

S.B.Criminal Misc. Petition No.1109/2005
(Ramesh Chandra vs. State of Rajasthan)

Date of order : 27.7.2006

HON'BLE MR.H.R.PANWAR,J.

Mr.Mridul Jain, for the petitioner.

Mr. Ashok Upadhyaya, P.P.

Heard learned counsel for the petitioner.

By the instant criminal misc. petition under section 482 Cr.P.C., the petitioner has assailed the order dt. 15.9.2005 passed by Special Judge, NDPS Cases, Bhilwara (for short 'the trial court' hereinafter) whereby the application filed by the petitioner under section 457 Cr.P.C. seeking custody of the truck bearing No.RJ-01-2335 on "Supurdaginama" was dismissed.

On careful perusal of the order impugned, in my view, the order passed by the trial court is justified keeping in view the decision of Hon'ble Supreme Court in Union of India vs. Dinesh Kumar Verma, **(2005) 9 SCC 330**. In this view of the matter, it cannot be said that the order impugned would result in serious miscarriage of justice or abuse of process of any court.

Accordingly, the criminal misc. petition is dismissed.

(H.R.PANWAR),J.

m.asif/-